County Council Of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 3

Resolution No. <u>36</u> -2020

Introduced by: The Chairperson at the request of the County Executive and cosponsored by David Yungmann

A RESOLUTION amending the purchase price formula used to determine the price that Howard County pays when purchasing development rights under the Agricultural Land Preservation Program; and specifying that the purchase price formula shall be effective upon passage of the Resolution and shall remain in effect until changed or repealed by Resolution of the County Council.

Introduced and read first time March 2, 2020.	By order Diane Schwartz Jones, Administrator
Read for a second time at a public hearing on <u>June 15</u>	_, 2020.
	By order Diane Schwartz Jones, Administrator
This Resolution was read the third time and was Adopted, Adopted with a	mendments Failed_, Withdrawn_, by the County Council
on July 6, 2020.	
	Certified By Ham Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; <u>Underlining</u> indicates material added by amendment

1	WHEREAS, Section 15.505 of the Howard County Code requires that the County
2	Council adopt the purchase price formula used to calculate the price per acre the County pays
3	when it purchases development rights on eligible land through the Agricultural Land
4	Preservation Program; and
5	
6	WHEREAS, the purchase price formula was last revised by the passage of Council
7	Resolution No. 23-2013; and
8	
9	WHEREAS, the Howard County Agricultural Preservation Board (APB) has proposed
10	amendments to the purchase price formula and the County Executive has reviewed and supports
11	the proposed amendments, as shown in the attached Exhibit A; and
12	
13	WHEREAS, the proposed amendment changes how points will be assigned for parcel
14	size and soil capability and productivity; and
15	
16	WHEREAS, the proposed amendment also better reflects the ongoing stewardship and
17	implementation of the Soil Conservation and Water Quality Plan, increases the points awarded
18	for parcels that are adjacent to preserved land, amends the distribution of points for the
19	concentration of preserved lands, removes the preference for parcels located in the RC Zoning
20	District, amends the points awarded when a certain percentage of a property is in agricultural
21	use, removes points for road frontage and reinstates optional points previously awarded by the
22	Agricultural Preservation Board; and
23	
24	WHEREAS, the County Council has reviewed the amended purchase price formula and
25	has determined that its adoption is in the best interest of the County.
26	
27	NOW, THEREFORE, BE IT RESOLVED by the County Council of Howard County,
28	Maryland, this 6th day of July, 2020, that the County Council amends the
29	purchase price formula for the purchase of development rights on eligible land through the
30	Agricultural Land Preservation Program, in accordance with Exhibit A as attached to this
31	Resolution.

, .

• • •

1

AND BE IT FURTHER RESOLVED, that the purchase price formula shall be effective
 upon passage of this Resolution and shall continue in effect until changed or repealed by
 Resolution of the County Council.

ł

ī.

1

()

.

Exhibit A

[[2013- PRICE FORMULA WORKSHEET]] 2020 APB APPROVED PRICE FORMULA WORKSHEET

Owner					
Tax Ma	ip Parcel	(s)	Acres	0	
Farm A	ddress				
[[1)	Parcel Size - Maximum 1 point per acre	200 points			points]]
1)	PARCEL SIZE RELATIVE TO A POINTS 40 ACRES OR MORE 35 ACRES TO 39.9 ACRES 30 ACRES TO 34.9 ACRES 25 ACRES TO 29.9 ACRES	Average Acreage	of Rema	INING UNCO	MMITTED LAND (40 ACRES) - MAXIMUM 150 150 POINTS 125 POINTS 100 POINTS 75 POINTS
	20 ACRES TO 29.9 ACRES				50 POINTS
[[2	2) Soil Capability - Maxim Class I acres Class II acres Class III acres Total acres	x 3.0 x 2.0	points points points points		points]]
2)	Soil Capability – Percen points 90% or greater Class I, 80% to 89% Class I, II A 70% to 79% Class I, II A 60% to 69% Class I, II A Less than 60% Class I, I	, II and III Soils and III Soils and III Soils and III Soils	and III S	OILS RELATIN	VE TO PROPERTY TOTAL - MAXIMUM 150 150 POINTS 125 POINTS 100 POINTS 75 POINTS 50 POINTS
[[3	3) Soil Productivity - Max Land Evaluation Score		5		points]]
3)	Soil Productivity as M	easured by Land E	VALUATIO	on Score - N	Maximum 150 points
	90 or greater Land Eva 80-89 Land Evaluation 70-79 Land Evaluation 60-69 Land Evaluation Less than 60 Land Eval	N SCORE N SCORE N SCORE			150 POINTS 125 POINTS 100 POINTS 75 POINTS 50 POINTS

4) Adjacency to Preserved Land - Maximum [[100]]125 points 75 to 100% perimeter adjacent to preserved land 50 to 74% perimeter adjacent to preserved land 25 to 49% perimeter adjacent to preserved land Less than 25% perimeter adjacent to preserved land	[[100]]125 points [[75]]100 points [[50]]75 points [[25]]50 points
[[5) Concentration of Preserved Lands - Maximum 100 points More than 1000 acres of preserved land within 1 mile 750-999 acres of preserved land within 1 mile 500-749 acres of preserved land within 1 mile Less than 500 acres of preserved land within 1 mile	100 points 75 points 50 points 25 points]]
5) CONCENTRATION OF PRESERVED LANDS - MAXIMUM 125 POINTS MORE THAN 600 ACRES OF PRESERVED LAND WITHIN 3/4 MILE 400-599 ACRES OF PRESERVED LAND WITHIN 3/4 MILE 200-399 ACRES OF PRESERVED LAND WITHIN 3/4 MILE LESS THAN 200 ACRES OF PRESERVED LAND WITHIN 3/4 MILE	125 points 100 points 75 points 50 points
[[6) Zoning - RC Zoning District = 100 points RC District	100 points]]
 [[7] Current Land Use - Maximum 100 points 75% or more of property in agricultural use 50 to 74% of property in agricultural use 25 to 49% of property in agricultural use Less than 25% of property in agricultural use 	100 points 75 points 50 points 25 points]]
 6) CURRENT LAND USE - MAXIMUM 150 POINTS 90% OR GREATER OF PROPERTY IN AGRICULTURAL USE 80% TO 89% OF PROPERTY IN AGRICULTURAL USE 70% TO 79% OF PROPERTY IN AGRICULTURAL USE 60% TO 69% OF PROPERTY IN AGRICULTURAL USE LESS THAN 60% OF PROPERTY IN AGRICULTURAL USE 	150 POINTS 125 POINTS 100 POINTS 75 POINTS 50 POINTS
[[8] Implementation of Soil Conservation and Water Quality Plan - M Current plan fully implemented Current plan not fully implemented Plan needs updating Plan not implemented or no plan on record	laximum 100 points 100 points 75 points 50 points 0 points]]

1

() }

8) <u>7)</u> Soil Conservation and Water Quality Plan (SCWQP)/Best Management Practices (BMPs) – Maximum 100 points LONGSTANDING LANDOWNER RELATIONSHIP WITH SCD, AND SCWQP ON THE PROPERTY IS PREDOMINANTLY IMPLEMENTED WITH NO MAJOR RESOURCE CONCERNS

100 points

LANDOWNER HAS RELATIONSHIP WITH SCD AND HAS MADE CONSIDERABLE EFFORTS TO IMPLEMENT SCWQP ON THIS PROPERTY OR ANOTHER PROPERTY, OR LANDOWNER HAS IMPLEMENTED CONSIDERABLE BMPS ON THEIR OWN 75 POINTS

NEW RELATIONSHIP WITH SCD AND HAS MADE CONSIDERABLE EFFORTS TO IMPLEMENT SCWQP ON THIS PROPERTY OR ANOTHER PROPERTY, OR LANDOWNER HAS IMPLEMENTED CONSIDERABLE BMPS ON THEIR OWN 50 POINTS

NEW SCWQP WITH NO CONSERVATION OR BMP ACTIVITY O POINTS

9) <u>8)</u> Ownership and Operation - Maximum 50 points Owner operated Non-owner operated No current operation

50 points 25 points 0 points

[[10] Road Frontage - Maximum 50 points Lin Ft / 100 = _____ x 2.0 on scenic road Lin Ft / 100 = _____ x 1.0 on other road

____ points ____ points]]

SUBTOTAL POINTS - Maximum 1,000 points

PRELIMINARY PRICE CALCULATION - Maximum \$40,000 per acre

0 points x \$40/point = 0

ADDITIONAL POINTS - Maximum [[200]]100 points

(i

- [[1. Relinquishment of Parcel Division Rights, if applicable Maximum 50 points Number of 50+ acre parcels allowed by right at 1 per 50 acres, if over 100 acres Number of 50+ acre parcels relinquished x 10 points per parcel]]
- [[2.]]1) Relinquishment of Tenant House Rights, if applicable Maximum 50 points Number of tenant houses allowed by right at 1 per 25 acres
 Tenant house rights relinquished x 10 points per house

0

- [[2. Protection of Green Infrastructure Network- Maximum 100 points See separate scoring sheet 100 points]]
- 2) OPTIONAL APB POINTS MAXIMUM 50 POINTS MAY BE ADDED OR SUBTRACTED

TOTAL PRICE POINTS - Maximum 1000 Points

FINAL PRICE CALCULATION - Maximum \$40,000 per acre \$0

0 points x \$40/point = \$0.00

2020 PRICE FORMULA WORKSHEET – OPTIONAL APB POINTS AS APPROVED BY APB ON 1/27/20

Owner Farm Address ΤΑΧ ΜΑΡ

PARCEL(S)

ACRES

TOTAL OF 50 POTENTIAL POINTS CAN BE ADDED

- 1) CONTRIBUTION TO AGRICULTURAL ECONOMY MAXIMUM 10 POINTS
 - 1. 5 POINTS THE FARM HAS A SPECIALIZED OR UNIQUE OPERATION
 - 2. 5 POINTS THE FARM HAS SIGNIFICANT AGRICULTURAL INFRASTRUCTURE
 - 3. 5 POINTS THE FARM BUSINESS IS ACTIVE WITHIN THE LOCAL COMMUNITY BY:
 - a. PURCHASING AGRICULTURAL PRODUCTS FROM OTHER AREA FARMS
 - b. SUPPLYING AGRICULTURAL PRODUCTS TO FARMS, BUSINESSES OR INDIVIDUALS
- 2) CONTRIBUTION TO AGRICULTURAL SUSTAINABILITY MAXIMUM 10 POINTS
 - 5 POINTS AN EASEMENT ACQUISITION ON THIS FARM WOULD BE A NEW ADDITION TO PROPERTIES ALREADY UNDER EASEMENT BELONGING TO SAME OWNER
 - 5 POINTS THIS IS A CENTURY FARM
 - 10 POINTS IF THE FARM IS FOR SALE AT THE TIME OF APPLICATION, PURCHASE OF AN EASEMENT WILL ASSIST IN THE TRANSFER TO A NEW AND/OR NEXT GENERATION FARMER
- 3) GREEN INFRASTRUCTURE NETWORK (GIN)/WATER QUALITY MAXIMUM 10 POINTS
 - 5 POINTS FARM INCLUDES PORTIONS OF GIN HUB(S)
 - 3 POINTS FARM INCLUDES PORTIONS OF GIN CORRIDOR(S)
 - 5 POINTS 50' MINIMUM FORESTED RIPARIAN BUFFER WIDTH
 - 3 POINTS 35' MINIMUM FORESTED RIPARIAN BUFFER WIDTH
- 4) HISTORIC AND SCENIC RESOURCES MAXIMUM 10 POINTS
 - 5 POINTS FARM INCLUDES AN HISTORIC STRUCTURE ENCUMBERED BY A MARYLAND HISTORIC TRUST EASEMENT
 - 3 POINTS FARM INCLUDES A STRUCTURE LISTED ON THE NATIONAL, MARYLAND OR HOWARD COUNTY REGISTERS OF HISTORIC PLACES
 - 5 POINTS FARM IS LOCATED ON THE HISTORIC NATIONAL ROAD (RT. 144)
 - 3 POINTS FARM IS LOCATED ON A MARYLAND OR HOWARD COUNTY SCENIC ROAD

5) DISCRETIONARY - MAXIMUM 10 POINTS

REASON FOR ALLOCATING POINTS

County Council Of Howard County, Maryland

2020 Legislative Session

i

Legislative Day No. 3

Resolution No36-2020

Introduced by: The Chairperson at the request of the County Executive and cosponsored by David Yungmann

A RESOLUTION amending the purchase price formula used to determine the price that Howard County pays when purchasing development rights under the Agricultural Land Preservation Program; and specifying that the purchase price formula shall be effective upon passage of the Resolution and shall remain in effect until changed or repealed by Resolution of the County Council.

Introduced and read first time March Z, 2020.	By order Diane Schwartz Jones, Administration
Read for a second time at a public hearing on <u>June 15</u>	, 2020.
	By order
This Resolution was read the third time and was Adopted, Adopted with	n amendments
on July (e., 2020.	
-	Certified By

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; <u>Underlining</u> indicates material added by amendment

1	WHEREAS, Section 15.505 of the Howard County Code requires that the County
2	Council adopt the purchase price formula used to calculate the price per acre the County pays
3	when it purchases development rights on eligible land through the Agricultural Land
4	Preservation Program; and
5	
6	WHEREAS, the purchase price formula was last revised by the passage of Council
7	Resolution No. 23-2013; and
8	
9	WHEREAS, the Howard County Agricultural Preservation Board (APB) has proposed
10	amendments to the purchase price formula and the County Executive has reviewed and supports
11	the proposed amendments, as shown in the attached Exhibit A; and
12	
13	WHEREAS, the proposed amendment changes how points will be assigned for parcel
14	size and soil capability and productivity; and
15	
16	WHEREAS, the proposed amendment also better reflects the ongoing stewardship and
17	implementation of the Soil Conservation and Water Quality Plan, increases the points awarded
18	for parcels that are adjacent to preserved land, amends the distribution of points for the
19	concentration of preserved lands, removes the preference for parcels located in the RC Zoning
20	District, amends the points awarded when a certain percentage of a property is in agricultural
21	use, removes points for road frontage and reinstates optional points previously awarded by the
22	Agricultural Preservation Board; and
23	
24	WHEREAS, the County Council has reviewed the amended purchase price formula and
25	has determined that its adoption is in the best interest of the County.
26	
27	NOW, THEREFORE, BE IT RESOLVED by the County Council of Howard County,
28	Maryland, this day of, 2020, that the County Council amends the
29	purchase price formula for the purchase of development rights on eligible land through the
30	Agricultural Land Preservation Program, in accordance with Exhibit A as attached to this
31	Resolution.

•

,

.

1

AND BE IT FURTHER RESOLVED, that the purchase price formula shall be effective
 upon passage of this Resolution and shall continue in effect until changed or repealed by
 Resolution of the County Council.

I ĵ

 $t_{i} = \frac{1}{2} t_{i}$

()

٤.,

2

Exhibit A

•

[[2013- PRICE FORMULA WORKSHEET]]
2020 APB APPROVED PRICE FORMULA WORKSHEET

Owner				
Tax Ma	p Parcel(s)	Acres	0	
Farm A	ddress			
[[1)	Parcel Size - Maximum 200 pc 1 point per acre	pints		points]]
1)	PARCEL SIZE RELATIVE TO AVERAGE	e Acreage of Rema	INING UN	icommitted Land (40 acres) - Maximum 150
	40 ACRES OR MORE 35 ACRES TO 39.9 ACRES 30 ACRES TO 34.9 ACRES 25 ACRES TO 29.9 ACRES 20 ACRES TO 24.9 ACRES			150 POINTS 125 POINTS 100 POINTS 75 POINTS 50 POINTS
[[2) Soil Capability - Maximum 100 Class I acres x 3.0 Class II acres x 2.0 Class III acres x 1.0 Total acres	0 points points points points points		points]]
2)	SOIL CAPABILITY – PERCENTAGE OF POINTS	F CLASS I, II AND III S	OILS RELA	ATIVE TO PROPERTY TOTAL - MAXIMUM 150
	90% OR GREATER CLASS I, II AND I 80% TO 89% CLASS I, II AND III SC 70% TO 79% CLASS I, II AND III SC 60% TO 69% CLASS I, II AND III SC LESS THAN 60% CLASS I, II AND III	DILS DILS DILS		150 POINTS 125 POINTS 100 POINTS 75 POINTS 50 POINTS
[[3) Soil Productivity - Maximum 1 Land Evaluation Score x 1.0	100 points		points]]
3)	SOIL PRODUCTIVITY AS MEASURED	BY LAND EVALUATION	IN SCORE	- MAXIMUM 150 POINTS
	90 or greater Land Evaluation 80-89 Land Evaluation Score 70-79 Land Evaluation Score 60-69 Land Evaluation Score Less than 60 Land Evaluation S			150 POINTS 125 POINTS 100 POINTS 75 POINTS 50 POINTS

.

 Adjacency to Preserved Land - Maximum [[100]]125 points 75 to 100% perimeter adjacent to preserved land [[100]]125 points 50 to 74% perimeter adjacent to preserved land [[<u>7</u>5]]100 points 25 to 49% perimeter adjacent to preserved land 50]]75 points [[25]]50 points Less than 25% perimeter adjacent to preserved land [[5) Concentration of Preserved Lands - Maximum 100 points More than 1000 acres of preserved land within 1 mile 100 points 750-999 acres of preserved land within 1 mile 75 points 500-749 acres of preserved land within 1 mile 50 points Less than 500 acres of preserved land within 1 mile 25 points]] 5) CONCENTRATION OF PRESERVED LANDS - MAXIMUM 125 PO More than 600 acres of preserved land within 3/4 m **125 POINTS** 400-599 ACRES OF PRESERVED LAND WITHIN 3/4 MILE **100 POINTS** 200-399 ACRES OF PRESERVED LAND WITHIN 3/4 MILE 75 POINTS LESS THAN 200 ACRES OF PRESERVED LAND WITHIN 3/ MILE **50 POINTS** [[6) Zoning - RC Zoning District = 100 points **RC** District 100 points]] [[7] Current Land Use - Maximum 10(points 75% or more of property in agricultural use 100 points 50 to 74% of property in agricultural use 75 points 25 to 49% of property in agricultural use 50 points Less than 25% of property in gricultural use 25 points]] 7) CURRENT LAND USE - MAXIM IM 150 POINTS 90% OR GREATER OF PROPERTY IN AGRICULTURAL USE 150 POINTS, 80% TO 89% OF PROPERTY IN AGRICULTURAL USE **125 POINTS** 70% TO 79% OF PROPE TY IN AGRICULTURAL USE **100 POINTS** 60% TO 69% OF PROFIRTY IN AGRICULTURAL USE **75** POINTS LESS THAN 60% OF P OPERTY IN AGRICULTURAL USE **50** POINTS [[8) Implementation of Soil Conservation and Water Quality Plan - Maximum 100 points Current plan fully implemented 100 points Current plan of t fully implemented 75 points Plan needs up dating 50 points Plan not implemented or no plan on record 0 points]]

()

8) SOIL CONSERVATION AND WATER QUALITY PLAN (SCWQP)/BEST MANAGEMENT PRACTICES (BMPS) – MAXIMUM 100 POINTS LONGSTANDING LANDOWNER RELATIONSHIP WITH SCD, AND SCWQP ON THE PROPERTY IS PREDOMINANTLY IMPLEMENTED WITH NO MAJOR RESOURCE CONCERNS

IO0 POINTS

LANDOWNER HAS RELATIONSHIP WITH SCD AND HAS MADE CONSIDERABLE EFFORTS TO IMPLEMENT SCWQP ON THIS PROPERTY OR ANOTHER PROPERTY, OR LANDOWNER HAS IMPLEMENTED CONSIDERABLE BMPS ON THEIR OWN 75 POINTS

New relationship with SCD and has made considerable efforts to implement SCWQP on this property or another property, or landowner has implemented considerable BMPs on their own 50 points

NEW SWQP WITH NO CONSERVATION OR BMP ACTIVITY

O POINTS

Ownership and Operation - Maximum 50 points
 Owner operated
 Non-owner operated
 No current operation

50 points 25 points 0 points

[[10] Road Frontage - Maximum 50 points Lin Ft / 100 = _____ x 2.0 on scenic road Lin Ft / 100 = _____ x 1.0 on other road

____ points _____ points]]

SUBTOTAL POINTS - Maximum 1,000 points

PRELIMINARY PRICE CALCULATION - Maximum \$40,000 per acre

0 points x \$40/point = 0

ADDITIONAL POINTS - Maximum [[200]]100 points

- [[1. Relinquishment of Parcel Division Rights, if applicable Maximum 50 points Number of 50+ acre parcels allowed by right at 1 per 50 acres, if over 100 acres Number of 50+ acre parcels relinquished x 10 points per parcel]]
- [[2.]]1) Relinquishment of Tenant House Rights, if applicable Maximum 50 points Number of tenant houses allowed by right at 1 per 25 acres Tenant house rights relinquished x 10 points per house.

0

- [[2. Protection of Green Infrastructure Network- Maximum 100 points See separate scoring sheet 100 points]]
- 2) OPTIONAL APB POINTS MAXIMUM 50 POINTS MAY BE ADDED OR SUBTRACTED

TOTAL PRICE POINTS - Maximum 1000 Points

FINAL PRICE CALCULATION - Maximum \$40,000 per acre \$0

0 points x \$40/point = \$0.00

2020 PRICE FORMULA WORKSHEET – OPTIONAL APB POINTS AS APPROVED BY APB ON 1/27/20

OWNER FARM ADDRESS ΤΑΧ ΜΑΡ

PARCEL(S) ACRES

TOTAL OF 50 POTENTIAL POINTS CAN BE ADDED

- CONTRIBUTION TO AGRICULTURAL ECONOMY MAXIMUM 10 POINTS
 - 1. 5 POINTS THE FARM HAS A SPECIALIZED OR UNIQUE OPERATION
 - 5 POINTS THE FARM HAS SIGNIFICANT AGRICULTURAL INFRASTRUCTURE
 - 5 POINTS THE FARM BUSINESS IS ACTIVE WITHIN THE LOCAL COMMUNITY BY:
 - a. PURCHASING AGRICULTURAL PRODUCTS FROM OTHER AREA FARMS
 - b. SUPPLYING AGRICULTURAL PRODUCTS TO FARMS, BUSINESSES OR INDIVIDUALS
- 2) CONTRIBUTION TO AGRICULTURAL SUSTAINABILITY MAXIMUM 10 POINTS
 - 5 POINTS AN EASEMENT ACQUISITION ON THIS FARM WOULD BE A NEW ADDITION TO PROPERTIES ALREADY UNDER EASEMENT BELONGING TO SAME OWNER
 - 5 POINTS THIS IS A CENTURY FARM
 - 10 POINTS IF THE FARM IS FOR SALE AT THE TIME OF APPLICATION, PURCHASE OF AN EASEMENT WILL ASSIST IN THE TRANSFER TO A NEW AND/OR NEXT GENERATION FARMER
- 3) GREEN INFRASTRUCTURE NETWORK (GIN)/WATER QUALITY MAXIMUM 10 POINTS
 - 5 POINTS FARM INCLUDES PORTIONS OF GIN HUB(S)
 - 3 POINTS FARM INCLUDES PORTIONS OF GIN CORRIDOR(S)
 - 5 POINTS 50' MINIMUM FORESTED RIPARIAN BUFFER WIDTH
 - 3 POINTS 35' MINIMUM FORESTED RIPARIAN BUFFER WIDTH
- 4) HISTORIC AND SCENIC RESOURCES MAXIMUM 10 POINTS
 - 5 POINTS FARM INCLUDES AN HISTORIC STRUCTURE ENCUMBERED BY A MARYLAND HISTORIC TRUST EASEMENT
 - 3 POINTS FARM INCLUDES A STRUCTURE LISTED ON THE NATIONAL, MARYLAND OR HOWARD **COUNTY REGISTERS OF HISTORIC PLACES**
 - 5 POINTS FARM IS LOCATED ON THE HISTORIC NATIONAL ROAD (RT. 144)
 - 3 POINTS FARM IS LOCATED ON A MARYLAND OR HOWARD COUNTY SCENIC ROAD

5) DISCRETIONARY - MAXIMUM 10 POINTS

REASON FOR ALLOCATING POINTS

Amendment 1 to Council Resolution No. 36-2020

BY: The Chairperson at the request of the County Executive

Legislative Day <u>10</u> Date: July 6, 2020

i j

Amendment No.

(This amendment corrects numbering and corrects points that apply for new Soil Conservation and Water Quality Plans).

1	In the	2020 APB Approved Price Formula Worksheet, attached to the Resolution as Exhibit A:
2		
3	٠	On page 2, before "CURRENT LAND USE – MAXIMUM 150 POINTS" strike "7)" and substitute
4		" <u>6)</u> ".
5		
6	٠	On page 2, before "SOIL CONSERVATION AND WATER QUALITY PLAN", strike "8)" and substitute
7		" <u>7</u>]".
8		
9	٠	On page 3, in the line that begins "New RELATIONSHIP WITH SCD" strike "CONSIDERABLE" in
10		both instances.
11		
12	٠	On page 3, strike "9)" and substitute " <u>8)</u> ".

ABOPTED ____ PAILED **BENATURE**

Amendment 1 to Council Resolution No. 36-2020

BY: The Chairperson at the request of the County Executive

,

i)

Legislative Day <u>10</u> Date: July 6, 2020

Amendment No.

(This amendment corrects numbering and corrects points that apply for new Soil Conservation and Water Quality Plans).

1	In the	2020 APB Approved Price Formula Worksheet, attached to the Resolution as Exhibit A:
2		
3	•	On page 2, before "CURRENT LAND USE – MAXIMUM 150 POINTS" strike "7)" and substitute
4		" <u>6</u>]".
5		
6	٠	On page 2, before "Soil Conservation and Water Quality Plan", strike "8)" and substitute
7		" <u>7</u>]".
8		
9	٠	On page 3, in the line that begins "New RELATIONSHIP WITH SCD" strike "CONSIDERABLE" in
10		both instances.
11		
12	•	On page 3, strike "9)" and substitute "8)".

Office of the County Auditor Auditor's Analysis

Council Resolution No. 36-2020

Introduced: March 2, 2020 Auditor: Owen Clark

Fiscal Impact:

The passage of this resolution will have no immediate fiscal impact on the County.

However, there would be a fiscal impact in the future as new parcels are enrolled in the Agricultural Land Preservation Program (ALPP) using the new price formula worksheet. We are unable to quantify this fiscal impact as the point scoring of a parcel does not take place until or immediately before its application is submitted to the County.

Purpose:

This resolution will amend the purchase price formula that determines the price the County will pay for the development rights of a parcel under the ALPP.

Notable changes include:

- Revising nine of the existing point criteria items.
- Removing points for parcels located in the RC District or those with road frontage.
- Reinstating points to be assigned by the Agricultural Preservation Board (APB).

Other Comments:

Our office has informed the Administration that the numerical order of items on page two of the Price Formula Worksheet in Exhibit A is not sequential. The Administration indicated this will be corrected and it will consider an amendment to do so.

The Department of Planning and Zoning (DPZ) performed a point scoring comparison of six properties that are currently enrolled in the ALPP (see Table 1, attached). Five of the six properties showed an increased price per acre under the proposed Price Formula Worksheet. In total, this comparison showed an average increase in the proposed price per acre of \$3,953.

We inquired to DPZ as to what criteria will be used to distinguish between the point categories in item 8 of the proposed Price Formula Worksheet, which concerns Soil Conservation and Water Quality Plans. It referred us to the Howard Soil Conservation District (SCD) because the SCD developed this item's language and will perform its scoring. Please see their response in Attachment A.

The Agricultural Preservation Board (APB) decided to reduce the potential points awarded for parcels that protect the Green Infrastructure Network (GIN) from 100 to 10 points. Some board members believe the GIN is not relevant to farming and, consequently, were not comfortable with 100 points being available. Moving consideration of the GIN to item 3 on the APB optional points sheet was the board's compromise.

Per inquiry to DPZ, the ALPP Administrator will complete the Price Formula Worksheet with the assistance of Howard Soil Conservation District (SCD) staff. The Department of Planning and Zoning indicated this occurs during the application process, but DPZ often offers to score prior to the application as a courtesy.

Per DPZ, the 'Optional APB Points' will be assigned for every parcel that submits an ALPP application. It expects the APB to discuss and assign these points during its required public meeting for each applicant property.

The current ALPP acquisition cycle was funded in the Fiscal Year 2014 capital budget with \$50 million of transfer tax proceeds, which would be used to purchase Installment Purchase Agreements. The Administration indicted there is \$22.6 million remaining from this funding that can still be used to purchase the development rights of additional parcels.

At the State level, the Howard County Delegation has introduced Maryland House Bill 1454. This bill would authorize a transfer tax rate increase and require that collections attributable to an increase be distributed to the County General Fund for certain purposes. We would like to note this bill does not authorize proceeds from a transfer tax increase to be used towards the Agricultural Land Preservation Fund. However, the bill does not change the rate of transfer tax funding that had been previously recognized by the fund.

Attachment A

()

Based on the subjectivity of item 8 of the proposed Price Formula Worksheet, the Auditor's Office inquired to the Howard Soil Conservation District (SCD) as to how they would determine an applicant's eligibility for each point category. Please see David Plummer's (the SCD District Manager) response below:

(j

"In regard to scoring item number 8 on the Ag Preservation evaluation worksheet, this process has been evolving recently and we are still ironing out some of the details regarding the breakdown for each category. The subjective nature of this item makes it much more difficult to evaluate than the other items on the worksheet. The SCD discussed this difficulty with the Agricultural Preservation Board (APB), and the APB indicated that they wanted applicants to receive some credit for a history of practicing good stewardship on the land. So this was the best attempt at trying to capture a farmer's commitment to sound conservation. The APB indicated that they will assist in the determination of point values based on information provided by SCD.

In general terms I believe the point values would break down as follows:

100 Points – 10+ years involvement w/SCD, 75%+ of SCWQ [Soil Conservation and Water Quality] Plan implemented. No resource concern on the farm (erosion, manure/nutrient issues, streams fenced, etc)

75 Points – less than 10 years working w/SCD, 50%+ of SCWQ Plan implemented; OR Landowner doesn't have relationship with SCD, but has implemented many practices on their own over the years

50 Points - less than 3 years working w/SCD, has been active in implementing BMPs [best management practices] in a short period of time; OR owned property for less than 3 years, but has made considerable progress in implementing BMPs

0 Points – No relationship/new landowner/new SCWQ Plan

As I mentioned, I anticipate that this will be an ongoing process in cooperation between SCD and the APB/staff to iron out each of these very subjective categories."

Table 1Test Properties Comparison 3/2/2020

						Difference	
Tax Map/Parcel	Acres	Actual Points**	Price Per Acre Paid	Proposed Points**	Proposed Per Acre	Per Acre	Gross *
21/13	168	836	\$33,440.00	700	\$28,000.00	-\$5,440.00	-\$913,920.00
2/75	109	760	\$30,400.00	850	\$34,000.00	\$3,600.00	\$392,400.00
8/2	59	704	\$28,160.00	875	\$35,000.00	\$6,840.00	\$403,560.00
19/12	57	712	\$28,480.00	925	\$37,000.00	\$8,520.00	\$485,640.00
20/81	30	618	\$24,720.00	725	\$29,000.00	\$4,280.00	\$128,400.00
7/483	21	652	\$26,080.00	800	\$32,000.00	\$5,920.00	\$124,320.00

*This column was added by the Auditor's Office to indicate the gross change of the parcel's gross price

**For consistency, neither column includes the items under the "Additional Points" section:

- Additional Points under the current formula could result in 200 additional points, which amounts to \$8,000 per acre

- Additional Points under the proposed formula could result in 100 additional points, which amounts to \$4,000 per acre